

IN THE UNITED STATES OF AMERICA  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	CASE NO. DNCW2:08CR12-4
	)	(Financial Litigation Unit)
MICHAEL WAYNE WALKINGSTICK,	)	
Defendant.	)	
	)	
and	)	
	)	
EASTERN BAND OF CHEROKEE INDIANS,	)	
Garnishee.	)	

**FINAL ORDER OF CONTINUING GARNISHMENT**

On June 26, 2008, the undersigned sentenced the Defendant to serve 117 days incarceration for his conviction(s) of simple assault, in violation of 18 U.S.C. §113(a)(5). *Judgment in a Criminal Case, filed June 27, 2008*. On November 3, 2008, the judgment was amended as to the restitution only. As part of that amended Judgment, the Defendant was ordered to pay an assessment of \$10.00, a fine of \$500.00 and restitution of \$93,728.74 to the victim(s) of the crime. *Id.*

The Government now seeks to garnish the Defendant's *per capita* distribution of gaming revenues received twice a year from the Tribe. The Tribe has not filed an answer to the garnishment. The defendant requested a hearing and a hearing was set on November 7, 2008. The undersigned ordered that the defendant's motion for the allocation of exemptions of the defendant as to the garnishment be denied. *Order, filed January 5, 2009*.

**IT IS THEREFORE, ORDERED** that an Order of Garnishment is hereby **ENTERED** in the amount of \$90,238.74, computed through September 23, 2008, which attaches to each *per capita* distribution of gaming revenues on account of the Defendant.

Signed: January 14, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

